



General Assembly

February Session, 2012

Raised Bill No. 350

LCO No. 1885

01885_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

**AN ACT REQUIRING THE ESTABLISHMENT OF MANUFACTURER
MERCURY THERMOSTAT COLLECTION AND RECYCLING
PROGRAMS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For the purposes of this
2 section:

3 (1) "Department" means the Department of Energy and
4 Environmental Protection;

5 (2) "Manufacturer" means any person who sells or sold a mercury
6 thermostat under a brand or label owned by such person or licensed to
7 such person;

8 (3) "Mercury thermostat" means any thermostat intended for
9 installation in a residential, commercial or industrial building that uses
10 a mercury switch to sense and control room temperature through
11 communication with heating, ventilating or air conditioning
12 equipment. "Mercury thermostat" does not include any thermostat
13 used to sense and control temperature as part of a manufacturing
14 process;

15 (4) "Retailer" means any person who sells thermostats of any kind
16 directly to homeowners or other nonprofessionals through any selling
17 or distribution mechanism;

18 (5) "Wholesaler" means any person who is engaged in the
19 distribution and wholesale sale of thermostats and other heating,
20 ventilation and air conditioning components to contractors who install
21 heating, ventilation and air conditioning components;

22 (6) "Contractor" means any person engaged in the business of
23 installing, servicing or removing thermostats and other heating,
24 ventilation and air conditioning components;

25 (7) "Qualified contractor" means any contractor who employs seven
26 or more service technicians or installers or who is located in an area
27 outside of an urban area, as defined by the United States Census
28 Bureau; and

29 (8) "Local government collection" means any collection conducted
30 by any household hazardous waste facility, solid waste management
31 agency, environmental management agency or the Department of
32 Public Health.

33 (b) Not later than October 1, 2013, each manufacturer that sells, sold,
34 offers for sale, offered for sale, distributes or distributed any mercury
35 thermostat in this state shall, individually or collectively: (1) Establish
36 a mercury thermostat collection and recycling program to collect,
37 transport and properly manage any out-of-service mercury thermostat
38 received at any participating collection site in this state; (2) make a
39 collection container available to any wholesaler, retailer, qualified
40 contractor or municipality that participates as a collection site in such
41 mercury thermostat collection and recycling program and requests
42 such a container; (3) include with each collection container provided to
43 any wholesaler, retailer, qualified contractor or municipality
44 information regarding the proper management of mercury thermostats
45 as universal waste; (4) charge no fee or other charge to any person that

46 participates in such collection and recycling program, except that such
47 manufacturer may charge each wholesaler, retailer, qualified
48 contractor and municipality that participates in such manufacturer's
49 mercury thermostat collection and recycling program and that receives
50 one or more collection containers a one-time program administration
51 fee of seventy-five dollars; (5) for the period of October 1, 2013, to
52 October 1, 2016, inclusive, conduct educational and outreach efforts
53 concerning such mercury thermostat collection and recycling program,
54 including, but not limited to: (A) Promoting the availability of
55 collection containers to wholesalers, retailers, qualified contractors and
56 municipalities in the state; (B) educating contractors and homeowners
57 on (i) the importance of properly managing out-of-service mercury
58 thermostats, (ii) the opportunities for the collection and recycling of
59 such thermostats, and (iii) the availability of manufacturer mercury
60 thermostat collection and recycling programs; (C) providing signs to
61 participating collection sites to prominently post information for
62 contractors and consumers concerning the collection and recycling of
63 out-of-service mercury thermostats; and (D) supplying written
64 materials, for reproduction by participating wholesalers and retailers,
65 that may be provided to customers at the time of purchase or delivery
66 of a thermostat and that include information on the importance of
67 properly managing out-of-service mercury thermostats and the
68 opportunities for the collection and recycling of such thermostats; and
69 (6) beginning October 1, 2014, and annually thereafter, submit a report
70 to the Department of Energy and Environmental Protection that
71 includes the following information: (A) The number of mercury
72 thermostats collected and recycled by such manufacturer pursuant to
73 such mercury thermostat collection and recycling program during the
74 previous calendar year; (B) a self-evaluation of the effectiveness of
75 such manufacturer's mercury thermostat collection and recycling
76 program; (C) an accounting of the administrative costs incurred by
77 such manufacturer in the course of administering such mercury
78 thermostat collection and recycling program during the previous
79 calendar year; and (D) a list of wholesalers, retailers, qualified

80 contractors and municipalities that requested collection containers
81 from such manufacturer during the previous calendar year.

82 (c) On and after January 1, 2014, any wholesaler, retailer or qualified
83 contractor shall be deemed to be in compliance with the provisions of
84 this section if such wholesaler, retailer or contractor participates as a
85 collection site in a manufacturer's mercury thermostat collection and
86 recycling program, as described in subsection (b) of this section, or by
87 collecting mercury thermostats and managing the disposal of such
88 mercury thermostats in accordance with any applicable federal and
89 state universal waste rules. Any wholesaler or retailer that participates
90 as a collection site pursuant to a manufacturer's mercury thermostat
91 collection and recycling program shall post visible signs at such
92 wholesaler's or retailer's location concerning the collection and
93 recycling of mercury thermostats.

94 (d) On and after January 1, 2014: (1) Any manufacturer who fails to
95 comply with the provisions of subsection (b) of this section shall not
96 sell, offer for sale or distribute any thermostat in this state; (2) any
97 wholesaler, retailer or qualified contractor who fails to participate as a
98 collection site in a manufacturer's mercury thermostat collection and
99 recycling program shall not sell, offer for sale or distribute any
100 thermostat in this state; and (3) no wholesaler, retailer or qualified
101 contractor shall sell, offer for sale or distribute any thermostat in this
102 state from any manufacturer who is not in compliance with the
103 provisions of subsection (b) of this section.

104 (e) On and after January 1, 2014: (1) No person shall dispose of a
105 mercury thermostat in any manner other than the recycling of such
106 mercury thermostat or the disposing of such mercury thermostat as
107 hazardous waste; (2) any contractor who replaces a mercury
108 thermostat from a building shall recycle such mercury thermostat or
109 deliver such mercury thermostat to a wholesaler, retailer or
110 municipality that participates as a collection site for the collection and
111 recycling of such mercury thermostats; (3) any contractor who

112 demolishes a building shall remove all mercury thermostats from such
113 building prior to demolition and shall recycle such mercury
114 thermostats or deliver such mercury thermostats to a wholesaler,
115 retailer, qualified contractor or municipality that participates as a
116 collection site for the collection and recycling of such mercury
117 thermostats; and (4) any person who replaces a mercury thermostat
118 from any location in this state that is a part of any energy efficiency or
119 weatherization program supported or administered, in whole or in
120 part, by any department, agency, instrumentality or political
121 subdivision of the state, or conducted as a result of any statutory
122 requirement shall deliver such mercury thermostat to any wholesaler,
123 retailer, qualified contractor or municipality that participates as a
124 collection site for the recycling of such mercury thermostats. The
125 Department of Energy and Environmental Protection may enforce the
126 provisions of this subsection.

127 (f) (1) On and after April 1, 2014, the Department of Energy and
128 Environmental Protection shall maintain and post on the department's
129 Internet web site a list of wholesalers, retailers, qualified contractors
130 and municipalities that are collection sites for out-of-service mercury
131 thermostats.

132 (2) In conjunction with the educational and outreach programs
133 implemented by manufacturers pursuant to subsection (b) of this
134 section, the department shall conduct an educational and outreach
135 program directed toward wholesalers, retailers, qualified contractors,
136 municipalities and homeowners to promote the collection of out-of-
137 service mercury thermostats.

138 (3) Not later than January 1, 2017, the department, in accordance
139 with section 11-4a of the general statutes, shall submit a report to the
140 joint standing committee of the General Assembly having cognizance
141 of matters relating to the environment concerning the effectiveness of
142 the manufacturer mercury thermostat collection and recycling
143 programs established pursuant to this section. Such report shall be

144 based, in part, on the reports submitted by manufacturers to the
145 department pursuant to subsection (b) of this section and shall include
146 recommendations for any revisions to such programs, including, but
147 not limited to, any necessary statutory revisions and any
148 recommendations concerning the repeal of such programs.

149 (g) Nothing in this section shall be construed to require the
150 participation of any municipality in any manufacturer's mercury
151 thermostat collection and recycling program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Statement of Purpose:

To establish a manufacturer-based system of collecting and recycling out-of-service mercury thermostats.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]